

Adopted	Rejected
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COMMITTEE REPORT

YES:	14
NO:	0

MR. SPEAKER:

*Your Committee on Human Affairs, to which was referred Senate Bill 482, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 35-42-4-5 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) A person
- 5 eighteen (18) years of age or older who knowingly or intentionally
- 6 directs, aids, induces, or causes a child under the age of sixteen (16) to
- 7 touch or fondle himself or another child under the age of sixteen (16)
- 8 with intent to arouse or satisfy the sexual desires of a child or the older
- 9 person commits vicarious sexual gratification, a Class D felony.
- 10 However, the offense is:
- 11 (1) a Class C felony if a child involved in the offense is under the
- 12 age of fourteen (14);
- 13 (2) a Class B felony if:
- 14 (A) the offense is committed by using or threatening the use of
- 15 deadly force or while armed with a deadly weapon; or
- 16 (B) the commission of the offense is facilitated by furnishing

- 1 the victim, without the victim's knowledge, with a drug (as
2 defined in IC 16-42-19-2(1)) or a controlled substance (as
3 defined in IC 35-48-1-9) or knowing that the victim was
4 furnished with the drug or controlled substance without the
5 victim's knowledge; and
6 (3) a Class A felony if it results in serious bodily injury.
- 7 (b) A person eighteen (18) years of age or older who knowingly or
8 intentionally directs, aids, induces, or causes a child under the age of
9 sixteen (16) to:
- 10 (1) engage in sexual intercourse with another child under sixteen
11 (16) years of age;
12 (2) engage in sexual conduct with an animal other than a human
13 being; or
14 (3) engage in deviate sexual conduct with another person;
15 with intent to arouse or satisfy the sexual desires of a child or the older
16 person commits vicarious sexual gratification, a Class C felony.
17 However, the offense is a Class B felony if any child involved in the
18 offense is less than fourteen (14) years of age, and it is a Class A felony
19 if the offense is committed by using or threatening the use of deadly
20 force, if it is committed while armed with a deadly weapon, if it results
21 in serious bodily injury, or if the commission of the offense is
22 facilitated by furnishing the victim, without the victim's knowledge,
23 with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance
24 (as defined in IC 35-48-1-9) or knowing that the victim was furnished
25 with the drug or controlled substance without the victim's knowledge.
- 26 **(c) A person eighteen (18) years of age or older who knowingly**
27 **or intentionally touches or fondles himself in the presence of a child**
28 **less than sixteen (16) years of age with the intent to arouse or**

1 **satisfy the sexual desires of a child or the older person commits**
2 **public masturbation, a Class D felony."**

3 Renumber all SECTIONS consecutively.
 (Reference is to SB 482 as printed January 25, 2002.)

and when so amended that said bill do pass.

Representative Summers